

FILED

MAY - 5 2006

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PARVANEH BORHANI,

Plaintiff(s),

vs.

**THE WHOLE WORLD, DAVID M. KELLY,
UCB HOUSING, and GE,**

Defendant(s).

**No. C-06-2472 MHP
ORDER DISMISSING
COMPLAINT AND
DENYING IN FORMA
PAUPERIS
APPLICATION**

United States District Court
For the Northern District of California

Plaintiff has filed this complaint against The Whole World, UCB Housing (apparently University of California at Berkeley Housing Department), GE (presumably General Electric Corp.) and her former husband. Beyond that, it is difficult to determine the nature of plaintiff's claims. They are rambling, random and incoherent and state no claims over which this court has jurisdiction.

The only relief that plaintiff appears to seek amidst all of these ramblings is that she wants "emergency cash, or good food from Persia Restaurant, hotel stay temp or house stay or airline ticket to Florida ... but under a different name." (Omitted words indecipherable) Plaintiff also alleges that she needs "someone young and good looking".

Although federal judges are sometimes believed to be omnipotent, so far there is no record of their having performed miracles. We are confined to the limits of mere written documents such as the United States Constitution and statutes enacted by Congress. This court has no jurisdiction to do

1 that which plaintiff requests even if we could perform miracles. Plaintiff states no basis for a
2 cognizable federal claim.

3 The district court may deny in forma pauperis status and even where the filing fee is paid
4 dismiss a complaint sua sponte if federal subject matter jurisdiction is lacking or if the complaint is
5 frivolous. See 28 U.S.C. §1915(e)(2). A complaint is frivolous if "it lacks an arguable basis either
6 in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989).

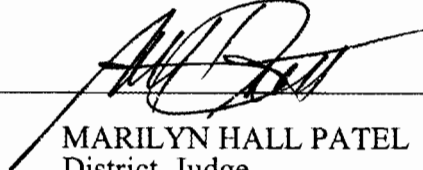
7 Where a complaint fails to state "any constitutional or statutory right that was violated, nor
8 asserts any basis for federal subject matter jurisdiction", there is no "arguable basis in law" under
9 Neitzke and the court on its own initiative may decline to permit the plaintiff to proceed and dismiss
10 the complaint under section 1915(d). Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995).

11 Furthermore, where the complaint is wholly lacking in merit, is "clearly baseless", "fanciful",
12 or "delusional" it may be dismissed as frivolous. Denton v. Hernandez, 504 U.S. 25, 112 S.Ct.
13 1728, 1733 (1992). If the pro se plaintiff can cure the factual allegations in order to state a claim, the
14 court must give him or her leave to do so. Id. at 1734. However, if repleading cannot cure the
15 deficiencies the court may dismiss without leave to amend, id., and even dismiss with prejudice. See
16 Cato v. United States, 70 F.3d at 1106.

17 For the reasons articulated above plaintiff's application to proceed in forma pauperis is
18 DENIED and this complaint is DISMISSED. The Clerk shall close the file.

19
20 IT IS SO ORDERED

21
22 Date: May 5, 2006

23 
24 MARILYN HALL PATEL
25 District Judge
26 United States District Court
27 Northern District of California
28